

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

February 7, 2017  
6:00 PM  
County Council Chambers

*In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building*

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Joyce Dickerson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

#### APPROVAL OF MINUTES

**Zoning Public Hearing: December 20, 2016** – Mr. Pearce moved, seconded by Mr. N. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

**Special Called Meeting: January 10, 2017** – Ms. Myers requested the duties of the Chair and Vice Chair as cited be added to the minutes.

Mr. N. Jackson moved, seconded by Mr. Pearce, to approve the minutes as amended. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Seals requested Item #19: "An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County" be deferred.

Mr. Smith requested that Item #8.a.: "Update on State Legislation" be deferred.

Mr. N. Jackson moved, seconded by Mr. Malinowski, moved to adopt the agenda as amended. The vote was in favor.



#### Committee Members Present

Joyce Dickerson, Chair  
Bill Malinowski, Vice Chair  
Calvin "Chip" Jackson  
Norman Jackson  
Gwendolyn Davis Kennedy  
Paul Livingston  
Jim Manning  
Yvonne McBride  
Dalhi Myers  
Greg Pearce  
Seth Rose

#### Others Present:

Gerald Seals  
Kimberly Roberts  
Michelle Onley  
Quinton Epps  
Brandon Madden  
Larry Smith  
Brad Farrar  
Ismail Ozbek  
Dwight Hanna  
Beverly Harris  
Laura Renwick  
Valeria Jackson  
Chanda Cooper  
Janelle Ellis  
Jeff Ruble  
Brittney Hoyle  
Kevin Bronson  
Tracy Hegler  
Sandra Yudice

## **PRESENTATIONS**

- a. **State Conservation Poster Contest Winners: Abigail Annsley Lanier and Abrianna Nicole McClerklin** – Councilman Calvin “Chip” Jackson and Chanda Cooper presented the contest winners with a certificate recognizing their accomplishment.

## **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

Mr. Smith stated the following items were potential Executive Session Items:

- a. **Personnel Matter(s) – 2**

### **CITIZENS’ INPUT**

#### **(For Items on the Agenda Not Requiring a Public Hearing)**

Mr. Kendrick Roach and Mr. Kenneth Simmons spoke regarding Item #32.h. – Motion Period: “Release funding to the Recreation Commission for programs for children to prevent cancellation of those programs especially after school programs”.

## **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Status Report – Coordination between the City of Columbia and the County Regarding the Water Service Area** – Mr. Seals stated the former County Administrator did carry out Council’s directive to correspond with the City of Columbia. The City of Columbia did respond to the correspondence and requested to work with the County on annexation, as well as, other issues. The correspondence will be forwarded to the City of Columbia liaisons.

Mr. Malinowski requested a copy of the correspondence.

Ms. Kennedy inquired about a list of areas the City of Columbia plans to annex.

Mr. Seals will follow-up up on obtaining a list of potential annexations.

- b. **“The State” Newspaper Article Response** – Mr. Seals stated Administration does not respond to matters inquired upon after notification has been received there is pending legal action. There have been several issues surrounding the extension of Shop Road and awarding of the contract. Those matters are being supervised and carried out by the County Attorney; therefore, staff has been instructed to defer to the County Attorney in terms of any responses.

However, there are two (2) articles concerning the issue. One of the articles alleged illegality on the part of the County Administrator and that information had been withheld from Council. A response to the allegations has been provided to County Council.

### REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: SCAC Mid-Year Conference and Institute of Government, February 15 and 16, Embassy Suites** – Ms. Onley reminded Council of the upcoming SCAC Mid-Year Conference and Institute of Government classes.
- b. **February 21, 2017: Heart Disease and Breast Cancer Awareness** – Ms. Onley stated Richland County will be recognizing Heart Disease and Breast Cancer Awareness on February 21<sup>st</sup>. Employees and Council are encouraged to wear pink or red on that day.

### REPORT OF THE CHAIR

- a. **Personnel Matter – 2** – This item was taken up in Executive Session.
- b. **Council Retreat Overview** – Ms. Dickerson stated the forum provided the members of Council to actively engage in the discussion, and provide the Administrator and staff instructions and directions on improve the quality of life and service in the County. The Council was united in an effort to explore ways to expand Economic Development and lower taxes without reducing services. Council is to be persistent in working with the Legislative Delegation to ensure they are accountable for their actions, especially as it related to Act 388. Additionally, Council is committed to promoting the County, bringing in industry, retaining graduates and providing housing that showcases our County.
- c. **Youth Summit Overview** – Ms. Dickerson stated she has been working on a youth summit for the last few years and she wants to ensure this becomes a County project now that it has gained national attention.

### OPEN/CLOSE PUBLIC HEARINGS

- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Health Care Facilities Revenue Refunding Bonds (the Lutheran Homes of South Carolina, Inc.) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$48,500,000** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; so as to add Section 1-16 related to payment of legal bills** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$100,000 of Hospitality Fund Balance to provide seed funding for commemorating Fort Jackson's 100<sup>th</sup> Birthday** – Ms. Audrey Brown and Mr. Larry Melton spoke in favor of this item.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County** – This public hearing was deferred.

### APPROVAL OF CONSENT ITEMS

- 16-037MA, Chip Daniels, RU to GC (2 Acres), 10020 Broad River Road, R04000-02-04 [SECOND READING]
- 16-038MA, James Randolph, RS-LD to NC (0.45 Acres), Welborn Road, 19203-14-09 [SECOND READING]
- 16-040MA, Gerald Steele, RS-MD to GC (0.44 Acres, 0.20 Acres, & 0.63 Acres = Total 1.69 Acres), Broad River Rd. R06108-06-05, -06, -07 & -08 [SECOND READING]

Mr. Pearce moved, seconded by Ms. Myers, to approve the consent items. The vote in favor was unanimous.

### THIRD READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; so as to add Section 1-16 related to payment of legal bills** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County** – This item was deferred to the February 21<sup>st</sup> Council meeting.

**An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$100,000 of Hospitality Fund Balance to provide seed funding for commemorating Fort Jackson's 100<sup>th</sup> Birthday** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski stated the budget provided was general in nature, permission of the Army has not been provided, and the entrance policy seems to be too restrictive; therefore, he cannot support this item.

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The representative of the project provided a copy of the Ft. Jackson Entrance Gate Procedures to the Clerk's Office for distribution to Council.

Mr. Malinowski stated the previously approved minutes regarding this item read as follows: "Mr. Livingston requested a friendly amendment to fund the project at \$100,000 for three years, the funds are not to be released until a comprehensive budget is received and there is clear approval from the Army."

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Pearce	N. Jackson
Rose	Malinowski
C. Jackson	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Manning, to reconsider this item. The motion for reconsideration failed.

### **SECOND READING**

**16-036MA, Jeff Stallings, PDD to GC (20 Acres), 8000 Wilson Boulevard, 14400-01-03 & 14402-03-01**  
– Ms. Kennedy moved, seconded by Mr. N. Jackson, to defer this item until the February 21<sup>st</sup> Council meeting. The vote in favor was unanimous.

**Authorizing the provision of water and sewer infrastructure to the Pineview Industrial Park and the execution of certain agreements related thereto; authorizing an amendment to the master agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County ("Park") to amend the internal distribution to Richland County for property located in the Pineview Industrial Park area of the park; and other related matters** – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

Mr. Malinowski requested all backup documentation be complete and accurate prior to Third Reading and its distribution to Council.

The vote was in favor.

### **FIRST READING**

**An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$200,000 of Hospitality Fund Balance to the SC Air National Guard to assist in funding for advertisement and promotion of the 2017 South Carolina Guard Air & Ground Expo** – Ms. Myers moved, seconded by Mr. Malinowski, to move this item to the D&S Committee meeting. The vote in favor was unanimous.

## **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

**CASA: Memorandum of Agreement with SC Department of Social Services** – Mr. Pearce stated the committee recommended approval of this item.

Mr. Malinowski inquired about why this item was not brought to Council earlier.

Mr. Seals stated the item was processed as soon as it was presented to staff. In the future, dated items are clearly corrected so there is real ability to track.

The vote in favor was unanimous.

## **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

**South Carolina Department of Commerce request for the County to serve as a pass through for a grant to DESA, Inc.** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if this item requires the County's approval or any government council's approval.

Mr. Seals stated in his conversation with the Department of Commerce the County's approval is required.

The vote in favor was unanimous.

**A Resolution Authorizing a grant to certain funds to Project Sweet Tea** – Mr. Livingston stated the committee recommended approval of this item.

The vote in favor was unanimous.

## **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF APPOINTMENTS**

- a. Procurement Review Panel – 2 (One applicant must be from the public procurement arena and one applicant must be from the consumer industry)** – Mr. Malinowski stated the applicant withdrew their application.

The committee recommended re-advertising for the vacancies. The vote in favor was unanimous.

- b. Business Service Center Appeals Board – 1 (Applicant must be in Business Industry)** – Mr. Malinowski stated the committee recommended appointing Ms. Kitwanda Cyrus. The vote in favor was unanimous.

- c. Central Midlands Council of Governments (CMCOG) – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Julie-Ann Dixon.

Mr. Rose requested to vote on the applicants individually.

Mr. N. Jackson, Mr. Malinowski, Ms. Dickerson, Mr. Livingston, Ms. Kennedy, Ms. Myers and Ms. McBride voted for Ms. Julie-Ann Dixon.

Mr. Pearce, Mr. Rose, and Mr. C. Jackson voted for Mr. Douglas J. Fabel.

The vote was in favor of appointing Ms. Julie-Ann Dixon.

- d. Employee Grievance – 1 (Applicant must be a Richland County employee)** – Mr. Malinowski stated the committee recommended re-appointing Ms. Deborah Moore.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

### **OTHER ITEMS**

**A Resolution to appoint and commission Christopher R. Thompson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

**A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Health Care Facilities Revenue Refunding Bonds (the Lutheran Homes of South Carolina, Inc.) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$48,500,000** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

### **CITIZENS' INPUT (Must Pertain to Items Not on the Agenda)**

Mr. Toney Forrester continued his “story” from the previous Council meetings.

## EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:14 p.m.  
and came out at approximately 7:43 p.m.*

- a. **Personnel Matter(s) – 2** – Ms. Dickerson will appoint a committee to discuss the Personnel Matter(s).

## MOTION PERIOD

- a. **Resolution honoring Satch Krantz for his years of service to the Riverbanks Zoo [ROSE]** – Mr. Pearce moved, seconded by Mr. Rose, to adopt a resolution honoring Satch Krantz for his years of service to the Riverbanks Zoo. The vote in favor was unanimous.
- b. **I move that re-phrase County Administrator Seals’ question number six from the Council Retreat to read as: Should County Government operate at a lower millage?” and it be referred to the Council’s ad hoc Budget Committee with the consideration of the Poores and Moody Aaa bond designation for our county; and the consideration of matters such as the need for a new county courthouse and protecting the citizens safety through means such as the emergency medical services (EMS), fire services and policing [MANNING]** – This item was referred to the Budget Ad Hoc Committee.
- c. **I move that if the State Government does not fully fund Richland County as specified by the original formula when Act 388 was passed, that a uniform service charge on tax exempt property be imposed. [MANNING and PEARCE]** – This item was referred to the Budget Ad Hoc Committee. Mr. Malinowski requested that his motion regarding this issue be incorporated into this motion as well.

Ms. Dickerson encouraged Council to forward all their motions to the Clerk’s Office as soon as possible.

- d. **Richland County lost millions of dollars by not collecting taxes on Sexual Oriented Businesses (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from businesses directly. [N. JACKSON and MALINOWSKI]** – This item was referred to the D&S Committee.
- e. **Revisit motion to fine or censure Council members who leak executive session information or not have Executive Sessions. Either it is confidential or not [N. JACKSON]** – This item was referred to the Rules & Appointments Committee.
- f. **Explore funding Eco Tourism with funds from Mitigation Bank Credits and Economic Development [N. JACKSON]** – This item was referred to the A&F Committee.
- g. **Clarify Richland County’s role in managing the Election Commission’s budget and authority to hire and fund legal services. NOTE: There have been several discussions on authority of the Election Commission Board and control of their budget. Who has the authority to make decisions,**

**The Board, County Council or the Legislative Delegation? [N. JACKSON]** – This item was referred to the Legal Department.

- h. Release funding to the Recreation Commission for programs for children to prevent cancellation of those programs especially after school programs [N. JACKSON]** – This item was referred to the A&F Committee.
- i. The City of Columbia announced that they will be targeting Hospitality Tax businesses in the unincorporated area for annexation to take HTax funds. The City receives more than \$10 million annually while the unincorporated area receives over \$5 million annually. The County spends more than half its funds in the City while the City spends its funds in the City only. I move unless the City develops an IGA or MOU with the County not to target and take the County HTax funds that Richland County then there should be some discussion to reevaluate collection of the HTax funds [N. JACKSON and MALINOWSKI]** – This item was referred to the A&F Committee.
- j. Resolution recognizing Clemson University and former Lower Richland Diamonds Marcus Edmond on his success leading the Tigers to National Champions [N. JACKSON and DICKERSON]** – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution recognizing Marcus Edmond. The vote in favor was unanimous.
- k. Adjust mandated funding for programs and agencies by the percentage reduced by the LGF [N. JACKSON and MALINOWSKI]** – This item was referred to the D&S Committee.

### **ADJOURNMENT**

The meeting adjourned at approximately 7:56 PM.

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Joyce Dickerson, Chair

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Bill Malinowski, Vice-Chair

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Calvin "Chip" Jackson

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Norman Jackson

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Gwendolyn Kennedy

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Paul Livingston

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Jim Manning

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Yvonne McBride

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Dahli Myers

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Greg Pearce

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Seth Rose

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council